

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

DONALD J. TRUMP FOR  
PRESIDENT, INC., *et al.*,

Plaintiffs,

v.

KATHY BOOCKVAR, *et al.*,

Defendants,

NAACP-PENNSYLVANIA STATE  
CONFERENCE, *et al.*,

Intervenor-Defendants,

DNC SERVICES  
CORPORATION/DEMOCRATIC  
NATIONAL COMMITTEE,

Intervenor-Defendant.

Civil Action

No. 4:20-cv-02078-MWB

Hon. Matthew W. Brann

**MOTION TO DISMISS BY INTERVENOR-DEFENDANTS NAACP-  
PENNSYLVANIA STATE CONFERENCE, BLACK POLITICAL  
EMPOWERMENT PROJECT, COMMON CAUSE PENNSYLVANIA,  
LEAGUE OF WOMEN VOTERS OF PENNSYLVANIA, JOSEPH AYENI,  
LUCIA GAJDA, STEPHANIE HIGGINS, MERIL LARA, RICARDO  
MORALES, NATALIE PRICE, TIM STEVENS, AND TAYLOR STOVER**

Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, the National Association for the Advancement of Colored People-Pennsylvania State Conference, Black Political Empowerment Project, Common Cause Pennsylvania, League of Women Voters of Pennsylvania, Joseph Ayeni, Lucia Gajda, Stephanie Higgins, Meril Lara, Ricardo Morales, Natalie Price, Tim Stevens, and Taylor Stover, respectfully move for dismissal of Plaintiffs' Complaint for failure to state a claim upon which relief can be granted.

The reasons supporting Intervenor-Defendants' Motion are set forth in the accompanying supporting memorandum. Pursuant to Local Rule 7.1, a proposed order is also attached.

WHEREFORE, Intervenor-Defendants request that their Motion be granted and that Plaintiffs' Complaint be dismissed for the reasons set forth in the accompanying memorandum and supporting evidence.

Dated: November 12, 2020

Respectfully submitted,

Mary M. McKenzie (PA No. 47434)\*  
Benjamin D. Geffen (PA No. 310134)\*  
Claudia De Palma (PA No. 320136)  
PUBLIC INTEREST LAW CENTER  
1500 JFK Blvd., Suite 802  
Philadelphia, PA 19102  
Telephone: (215) 627-7100  
mmckenzie@pubintl.org  
bgeffen@pubintl.org  
cdepalma@pubintl.org

/s/ Witold J. Walczak  
Witold J. Walczak (PA No. 62976)  
AMERICAN CIVIL LIBERTIES UNION OF  
PENNSYLVANIA  
P.O. Box 23058  
Pittsburgh, PA 15222  
Telephone: (412) 681-7736  
vwalczak@aclupa.org

Shankar Duraiswamy  
(admitted *pro hac vice*)  
David M. Zions (admitted *pro hac vice*)  
COVINGTON & BURLING LLP  
One City Center  
850 Tenth Street NW  
Washington, DC 20001  
Telephone: (202) 662-6000  
SDuraiswamy@cov.com  
DZions@cov.com

Rani Gupta (admitted *pro hac vice*)  
COVINGTON & BURLING LLP  
3000 El Camino Real  
5 Palo Alto Square  
Palo Alto, CA 94306-2112  
Telephone: (650) 632-4700  
RGupta@cov.com

Ezra Rosenberg\*  
Jon Greenbaum (admitted *pro hac vice*)  
Kristen Clarke\*  
LAWYERS COMMITTEE FOR CIVIL RIGHTS  
UNDER LAW  
1500 K Street NW, Suite 900  
Washington, DC 20005  
Telephone: (202) 662-8300  
erosenberg@lawyerscommittee.org  
jgreenbaum@lawyerscommittee.org  
kclarke@lawyerscommittee.org

\* *Pro hac vice* application forthcoming

Marian K. Schneider (PA No. 50337)  
AMERICAN CIVIL LIBERTIES UNION OF  
PENNSYLVANIA  
P.O. Box 60173  
Philadelphia, PA 19102  
Telephone: (215) 592-1513  
mschneider@aclupa.org

Sophia Lin Lakin\*  
Adriel I. Cepeda Derieux\*  
Ihaab Syed\*  
Dale Ho\*  
AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION  
125 Broad Street, 18th Floor  
New York, NY 10004  
Telephone: (212) 549-2500  
slakin@aclu.org  
acepedaderieux@aclu.org  
isyed@aclu.org  
dho@aclu.org

Sarah Brannon\*  
AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION  
915 15th Street, NW  
Washington, DC 20005  
Telephone: (202) 210-7287  
sbrannon@aclu.org

*Counsel for Intervenor-Defendants  
NAACP-Pennsylvania State Conference,  
Black Political Empowerment Project,  
Common Cause Pennsylvania, League of  
Women Voters of Pennsylvania, Joseph  
Ayeni, Lucia Gajda, Stephanie Higgins,  
Meril Lara, Ricardo Morales, Natalie  
Price, Tim Stevens, and Taylor Stover*

**CERTIFICATE OF SERVICE**

I hereby certify that on this date, the foregoing motion to dismiss was filed electronically and served on Plaintiffs' counsel of record via the ECF system of the U.S. District Court for the Middle District of Pennsylvania; and via e-mail on counsel for defendants.

Dated: November 12, 2020

/s/ Witold J. Walczak  
Witold J. Walczak

**CERTIFICATE OF NON-CONCURRENCE**

I hereby certify that pursuant to Local Rule 7.1, counsel for movants sought concurrence from the parties. Counsel for Plaintiffs advised that they do not concur. Counsel for other parties had not responded at the time of filing.

Dated: November 12, 2020

/s/ Witold J. Walczak  
Witold J. Walczak